



RICARDO LARA
CALIFORNIA INSURANCE COMMISSIONER

NOTICE

TO: All Workers' Compensation Insurers and Other Interested Persons

FROM: Commissioner Ricardo Lara

DATE: April 6, 2020

RE: Workers' Eligibility for Workers' Compensation Benefits Regardless of Citizenship or Immigration Status

As a result of the novel coronavirus (COVID-19) pandemic that has resulted in emergency public health orders and "social distancing" directives by federal, state, and local leaders to mitigate the spread of the disease, all workers, including those engaged in front-line occupations such as health care, emergency services, food production, sales, and delivery, are entitled to prompt and effective protection under California's workers' compensation laws, regardless of citizenship or immigration status.

The purpose of this Notice is to remind licensees of the California Department of Insurance (Department) and interested persons that existing California law requires the payment of workers' compensation benefits to injured workers regardless of their immigration status.¹ The California Supreme Court has confirmed that the federal Immigration Reform and Control Act of 1986 does not preempt state law expressly conferring the protections of state employment and labor laws available to all workers "regardless of immigration status."² In addition to standard workers' compensation benefits, a person shall not be prohibited from receiving compensation pursuant to the Uninsured Employers Benefits Trust Fund or the Subsequent Injury Fund because of his or her citizenship or immigration status.³

Workers' compensation injuries caused by COVID-19 that arise out of and occur in the course of employment are compensable to the same extent as any other compensable injury or disease. This Notice is a reminder that such claims may not be denied on the basis of the injured worker's citizenship or immigration status.

Throughout the declared [COVID-19 state of emergency](#), the Department expects its licensees to continue to provide workers' compensation benefits including medically necessary care. For the duration of the

¹ Labor Code § 3351, subdivision (a); See *Farmer Brothers Coffee v. Workers' Comp. Appeals Bd.* (2005) 133 Cal.App.4th 533, 540.

² *Salas v. Sierra Chemical Co.* (2014) 59 Cal.4th 407.

³ See, Senate Bill 623 (Lara, Chapter 290, Statutes of 2015) and Labor Code §§ 3733, 4756.

current COVID-19 emergency declaration, all parties, including insurers, medical providers, and injured workers, are encouraged to consult their health care providers to determine whether in-person visits are clinically appropriate or to utilize telehealth for treatment exams and evaluations, when appropriate, in order to effectively and safely promote the health and safety of all parties.

For questions regarding this notice, please email the Department at workcompquestions@insurance.ca.gov.